



## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/26/2040/0F1
2.	<b>Proposed Development:</b>	AGRICULTURAL BUILDING IN EXISTING FARMYARD AREA
3.	<b>Location:</b>	FLEMING HALL, GOSFORTH
4.	<b>Parish:</b>	Gosforth
5.	<b>Constraints:</b>	ASC Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Sellafield 10KM, PROWs - Public Right of Way
6.	<b>Publicity Representations &amp;Policy</b>	See Report.
7.	<b>Report:</b>	<p><b>SITE AND LOCATION</b></p> <p>The application relates to Fleming Hall Farm, located approximately 1 mile west of Gosforth. The site is accessed via a farm track off the A595 and benefits from a number of agricultural buildings.</p> <p><b>PROPOSAL</b></p> <p>Planning Permission is sought for the erection of an agricultural farm building within the existing farm complex.</p> <p>The proposed building will measure 27.4m in length x 9.2m depth and has been designed with a sloped pitch roof with an overhang of 1.2m, with an overall height of 5.05m which slopes down to 2.89m at the rear.</p>

It will be finished externally with concrete panels to the lower sections and anthracite grey box profile metal sheeting above with an anthracite grey box profile metal sheeting roof. The design of the structure and the proposed materials reflect the existing buildings and character of the farm.

### **RELEVANT PLANNING APPLICATION HISTORY**

There have been several planning applications for agricultural developments within the site in the past.

### **CONSULTATION RESPONSES**

#### Gosforth Parish Council

No comments received to date.

#### Highway Authority and Lead Local Flood Authority

The Local Highway Authority and Lead Local Flood Authority can confirm that we have no objections to the proposal, we would however recommend that the following conditions are included in any consent you may grant:

Condition 1: Public Right Of Way (public footpath/bridleway/byway) number 409011 runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. The applicant should contact the Countryside Access Team [Countryside.Access@cumbria.gov.uk](mailto:Countryside.Access@cumbria.gov.uk) to discuss the need for a Temporary Closure Order on PROW 409011. The applicant should be advised that, The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way.

Reason: To support Local Transport Plan Policy W1, W2

#### Emergency Resilience Unit

Thank you for the opportunity to comment on the above consultation. This response from the Joint Emergency Management and Resilience Team relates to emergency planning arrangements in the unlikely event of an incident occurring at Sellafield Ltd. The Sellafield site is currently covered by the provision of the Radiation (Emergency Preparedness and Public Information) Regulations 2019.

There are no objections to the proposed planning application however it should be noted that the location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.



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I would ask that the applicant be reminded that liaising with this office is of importance to ensure that the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

Contact: [emergency.planning@westmorlandandfurness.gov.uk](mailto:emergency.planning@westmorlandandfurness.gov.uk)

Webpage: <https://www.cumberland.gov.uk/your-environment/your-community/community-safety/emergencies/chemical-and-nuclear-sites>

### Cumberland Council Footpath Officer

No comments received to date.

### Cumberland Council Environmental Health

Environmental Health have no previous complaints about this premises and this proposed development is not expected to impact residential amenity. As such, there are no objections to this application.

### Cumberland Council Ecologist

#### First Response

The County Ecologist confirms that Biodiversity Net Gain is not required for this application but notes that these buildings may provide habitat to support barn owls. As barn owls are a material planning consideration, a barn owl survey/nest check is required for this application to progress.

Additionally, it is unclear which materials comprise the building currently on the footprint of the proposed shed and therefore photos are required for the county ecologist to discard the requirement for a Preliminary Roost Assessment for bats.

#### Second Response

The County Ecologist confirms that Biodiversity Net Gain is not required for this application.

#### **Breeding Birds**

Works should be completed outside of the breeding bird period (March – August inclusive). If this is not possible a breeding bird check should be carried out no more than 48 hours prior to the planned development to ensure no birds and their nests are present. If active nests are discovered an appropriate buffer zone should be established and works within that area ceased until the young have naturally fledged.

#### **Small Mammals**

All development work should be carried out with care to avoid small mammals such as hedgehogs. Contractors should be briefed about the potential presence of small mammals and should adopt the following precautionary method of works:

- All work must take place during daylight hours.

- Should any trenches and excavations be required, an escape route for animals that enter the trench must be provided, especially if left open overnight. Ramps should be no greater than of 45 degrees in angle. Ideally, any holes should be securely covered.
- All excavations left open overnight or longer should be checked for animals prior to the continuation of works or infilling. Back filling should be completed immediately after any excavations, ideally back filling as an on-going process to the work in hand.
- Stored materials should be raised (i.e. stored on pallets) in order to ensure that wildlife such as hedgehogs do not shelter in the piles.

### **Bats**

In the apparently unlikely event that bats are encountered all works must cease and the advice of a Suitably Qualified Ecologist (SQE) sought.

A bats-specific lighting scheme will be designed during construction to minimise light impact. This should be in line with the guidance note for Bats and Artificial Lighting (Bat Conservation Trust, 2023).

### **Enhancements**

One bird box to be integrated within the development to provide opportunities for breeding birds such as:

- Schwegler No. 17 swift nest box
- Schwegler 1SP sparrow terrace

One bat box to be integrated within the building, such as:

- The Habibat Bat Box;
- Green&Blue Bat Box.

### Public Representations

The application has been advertised by way of site notice – 1 letter of support has been received in response to the application which states the following:

- sounds like a really good idea to making the animal lives better and the farm more productive Summary of response: Support

### **PLANNING POLICY**

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

### **Development Plan**



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On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria. Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland. The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only. The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

### **Copeland Local Plan 2021 - 2039 (LP):**

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council. The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2001- 2016.

The following policies are relevant to this proposal:

Strategic Policy DS2 – Settlement Boundaries

Policy DS4 – Design and Development Standards Strategic

Policy RE1 – Agricultural Buildings

Strategic Policy N1 – Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N3 – Biodiversity Net Gain Strategic

Policy N6 – Landscape Protection

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Conservation of Habitats and Species Regulations 2017 (CHSR)

The Wildlife and Countryside Act 1981

### **ASSESSMENT**

The key issues raised by this proposal are the principle of development, its scale and design and impact on residential amenity, impact on the public right of way, the landscape and visual amenity and ecology and biodiversity net gain.

#### Principle of Development

The application site is located outside any recognised settlement boundary.

Policy DS2 of the Copeland Local Plan supports development outside of settlements, which have a proven requirement for such location, this includes agriculture related developments.

The proposal relates to an existing farmstead, and it will provide additional cattle storage for the farm.

Policy RE1 supports new agricultural buildings subject to detailed criteria.

On this basis, the principle of the development is acceptable, and the building satisfies Policies DS2 and RE1 of the Local Plan and the NPPF guidance.

#### Siting, Scale and Design and Impact on Amenity

Policy DS4 and section 12 of the NPPF seek to promote high quality designs.

Policy RE1 states proposals for new agricultural buildings will be permitted as long as they are of appropriate scale and design and do not result in adverse visual impacts or unacceptable harm to the landscape character or the amenity of nearby residential properties.

The proposed building will measure 27.4m in length x 9.2m depth, and has been designed with a sloped pitch roof with an overhang of 1.2m, with an overall height of 5.05m which slopes down to 2.89m at the rear. It will be located within the existing farm complex.

The scale, design and siting of the proposed building are considered to be appropriate with regards to the existing farm buildings that are already located on site.

Given there are no residential properties within the immediate vicinity, and this application is just one of many that have been approved for this farm, the proposal is unlikely to cause unacceptable impacts upon residential amenity. There were also no objections raised as a result of the consultation.

The building is to be finished externally with concrete panels to the lower sections and anthracite grey box profile metal sheeting above with an anthracite grey box profile metal sheeting roof. The design of the structure and the proposed materials reflect the existing buildings and character of the farm. In addition, the use of similar materials is considered acceptable and are appropriate for their use.

On this basis, the proposal is considered to comply with Policies DS4 and RE1 of the Local Plan.

#### Impact on the Public Right of Way

Existing Public Rights of Way are protected by law and therefore do not need Policy protection, however Strategic Policy CO6 and The Countryside and Rights of Way Act 2000 seeks to exercise statutory rights of access.

On this basis, as the Public Right of Way 409039 runs to the North of the site, and PRoW 409011 which run adjacent to the proposed structure, consideration must be given to the potential impacts on both the physical and amenity of the footpath.

A site visit confirmed that the proposal will likely be seen from the PRoW, it will not interfere with the footpath, nor will it significantly harm the physical footpath, or the amenity of the



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user.

Furthermore, no objections were received from the Countryside Access Footpaths Officer. An informative can be included on the decision notice to advise that the PROW is kept clear at all times for use by the public.

The proposal is considered to satisfy Policy CO6 and the NPPF guidance.

### Landscape and Visual Impact

Strategic Policy N6 states that landscapes will be protected and enhanced by ensuring that development proposals are assessed according to whether the proposed structures and associated landscaping relates well in terms of visual impact, scale, character, amenity value and local distinctiveness.

The development is considered to be suitably located within the existing farmstead, and it is to be located adjacent to existing farm buildings which will ensure that the character of the area is not eroded with development away from the traditional farmstead.

The proposed materials are to be in keeping with the existing buildings and therefore this will minimise the impact of the development on the surrounding landscape.

Overall, the works are not considered to have a significant impact upon the visual amenity of the site and surrounding area, or the character and appearance of the landscape. The proposal is therefore considered to comply with Strategic Policy N6 of the Copeland Local Plan.

### Impact on Biodiversity and Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy. Policy N3 requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development. Some developments are however exempt from these BNG requirements.

The Councils ecologist has confirmed that this application is exempt from BNG, however, has recommended some enhancements on site by way of bird/bat boxes to be integrated within the development to provide opportunities for breeding birds and bats.

On this basis, it is therefore considered that given the conditions proposed, the development

	<p>will comply with Policies N1 and N3 of the Copeland Local Plan and the NPPF guidance.</p> <p><u>Planning Balance</u></p> <p>This application seeks permission for the construction of a new agricultural building to provide additional livestock storage to support the operation on this working farm.</p> <p>The proposed development is considered to be appropriate in scale and design and given the separation distances to the nearest residential property, it will not have an adverse impact on residential amenity.</p> <p>The proposal will not have any detrimental impacts upon the landscape and visual impact and is not subject to BNG.</p> <p>The proposal is therefore considered to be an acceptable form of development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.</p>
8.	<p><b>Recommendation:</b></p> <p>Approve (commence within 3 years)</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"> <li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li> </ol> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <ol style="list-style-type: none"> <li>2. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - <ul style="list-style-type: none"> <li>- Application Form, received 4<sup>th</sup> February 2026;</li> <li>- Site Location/Block Plan, scale 1:500, drawing 484 Fleming 01, received 4<sup>th</sup> February 2026;</li> <li>- Proposed Plan, scale 1:100, drawing 484 Fleming 01, received 4<sup>th</sup> February 2026;</li> <li>- Proposed Elevations, scale 1:100, drawing 484 Fleming 01, received 4<sup>th</sup> February 2026;</li> <li>- Proposed Section, scale 1:50, drawing 484 Fleming 01, received 4<sup>th</sup> February 2026;</li> </ul> </li> </ol>



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- Ecological Constraints Study (additional), received February 2026.

### Reason

To conform with the requirement of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. Prior to the first use of the building hereby approved, the following enhancements must be undertaken in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority:-

- One bird box to be integrated within the development to provide opportunities for breeding birds.
- One bat box to be integrated within the building.

The bird and bat boxes must be maintained and retained for the lifetime of the development in accordance with the approved details.

### Reason

In order to enhance opportunities for wildlife and in accordance with Policies N1 and N3 of the Copeland Local Plan 2021-2039.

### Informative Notes

#### Public Right Of Way

Public footpath/bridleway/byway number 409011 runs through the site, the Applicant must ensure that no obstruction to the footpath occurs during, or after the completion of the site works. The applicant should contact the Countryside Access Team [Countryside.Access@cumbria.gov.uk](mailto:Countryside.Access@cumbria.gov.uk) to discuss the need for a Temporary Closure Order on PROW 409011. The applicant should be advised that, The granting of planning permission would not give the applicant the right to block or obstruct the Public Right of Way.

### **Detailed Emergency Planning Zone**

The location of the property is situated within an area outside the site which, in liaison with Sellafield Ltd and the Office for Nuclear Regulation, special arrangements are made for residents/business premises, this area is referred to as the Detailed Emergency Planning Zone (DEPZ). As a direct result particular attention is paid to ensuring that people are aware of the appropriate action to take in the event of an incident at the Sellafield site.

The applicant should be reminded that liaising with this office is of importance to ensure that the applicant and their trades people/contractors are aware of the appropriate information and actions to take should there be an incident at the Sellafield site.

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### **Biodiversity Net Gain – Exemption**

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition)” that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the local planning authority, and
- (b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will Not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Applicable exemption: De Minimus.



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Council**

<b>Statement</b> The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.	
<b>Case Officer: Demi Crawford</b>	<b>Date : 25/03/2026</b>
<b>Authorising Officer: N.J. Hayhurst</b>	<b>Date : 25/03/2026</b>
<b>Dedicated responses to:- N/A</b>	